

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONNA FUSCHETTO

Plaintiff,

v.

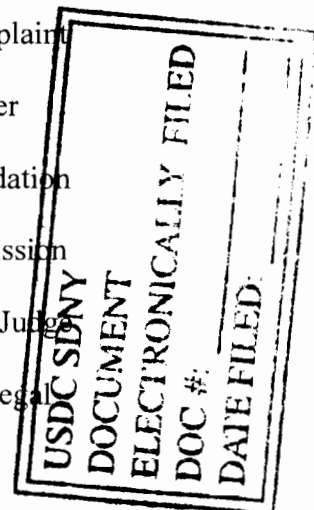
**THE VILLAGE OF DOBBS FERRY, et al.,
Defendant.**

**07-CV-11630 (SCR)(LMS)
ORDER**

STEPHEN C. ROBINSON, District Judge:

In reviewing a Report and Recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted). *See also Pizarro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”).

This case was referred to Magistrate Judge Smith for general pretrial supervision. Judge Smith, in her Report and Recommendation dated May 9, 2008, recommended that the case be dismissed without prejudice because service of the summons and complaint was never effected in this case and because the plaintiff has apparently changed her address without notifying the Court. No objections to the Report and Recommendation have been filed or received by my chambers, nor has the plaintiff made any submission seeking to establish good cause for the failure to effect service. Having reviewed Judge Smith’s thorough and well-reasoned Report and determined that there is no clear legal




error on the face of the record, and having received no objections, the Court hereby accepts and adopts the Report in its entirety. The plaintiff in this case has failed to serve the summons and complaint on the defendants, and the period prescribed by Federal Rule of Civil Procedure 4(m) to do so has expired. Also, mail sent to the plaintiff by Judge Smith's chambers was returned to sender without any forwarding address, and the plaintiff has failed to notify the Court of her change of address.

Thus, the case is dismissed without prejudice. The Clerk of the Court is directed to close the case.

It is so ordered.

White Plains, New York
Dated: July 22, 2008



Stephen C. Robinson
United States District Judge